European standardisation

2011/0150(COD) - 01/06/2011 - Legislative proposal

PURPOSE: to define the general framework for European Standardisation.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: standards and standardisation are very effective policy tools for the EU. They are used as policy instruments to ensure, inter alia, the functioning of the single market of products, the interoperability of networks and systems, in particular in the field of ICT, a high level of consumer and environmental protection, and more innovation and social inclusion.

This proposal addresses three major problems:

1. In a rapidly changing world and society, especially in sectors characterised by very short product lives and development cycles, standards must keep pace with rapid technological development. Some stakeholders argue that the entire process of creating European standards developed at the request of the Commission is **too slow**.

2. SMEs encounter a series of problems with respect to standards and standardisation. One of the most important problems, according to many stakeholders, is that **SMEs are in general under-represented** in standardisation activities, in particular at European level.

3. In the field of ICT, many standards ensuring interoperability are not elaborated by the ESOs but by other organisations that develop standards (hereinafter "global fora and consortia"). Concrete examples are Internet and World Wide Web related standards. At the moment, referring to "Fora and Consortia Standards" in public procurement which is subject to Directive 2004/18/CE is only possible in exceptional circumstances.

To respond rapidly to evolving needs in all areas, a comprehensive, inclusive, efficient and technically up-to-date European standardisation system will be required.

In its Europe 2020 strategy for smart, sustainable and inclusive growth, the Commission highlighted the necessity to improve the method of standard setting and the use of standards in Europe.

On 21 October 2010, the European Parliament adopted a report on the future of European standardisation which indicated that the review of European standardisation should preserve its many successful elements, remedy its deficiencies and strike the right balance between the European, national and international dimensions.

In its communication of 13 April 2011 on the ‘Single market Act: Twelve levers to boost growth and confidence', the Commission included among its twelve key priority actions to be adopted by the EU institutions before the end of 2012 the extension of the European standardisation system to services.

IMPACT ASSESSMENT: the Commission accepted a combination of different options:

Options 1.A (deadlines on the delivery of European standards) and **1.C** (transparent and simplified procedures for harmonised standards and other European standards requested by the Commission),

Option 2.C (strengthen the position of organisations representing SMEs and societal stakeholders within the ESOs by providing for the possibility of an operating grant) and 3.B (referencing of "Fora and Consortia Standards" in public procurement) meet the criteria of effectiveness, efficiency and consistency. Therefore, these 4 options constitute the basis of this proposal.

LEGAL BASIS: Article 114 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal replaces a part of Directive 98/34/EC and repeals Decisions No 1673/2006/EC and 87/95/EEC. It aims to establish rules with regard to: (i) the cooperation between European standardisation bodies, national standardisation bodies and the Commission; (ii) the establishment of European standards and European standardisation deliverables for products and for services in support of Union legislation and policies; (iii) the recognition of technical specifications in the field of information and communication technologies (ICT) and; (iv) financing of European standardisation.

The main elements of the proposal are as follows:

- **Enhanced cooperation**: the cooperation between national standardisation bodies will become more transparent.
- **International standards**: the use of standards developed by other organisations in the field of information and communication technologies will be possible in public procurement, provided that these standards comply with a set of criteria based on the WTO principles for international standardisation processes, in domains where there are no European standards, where European standards have not gained market uptake or where these standards have become obsolete.
- **Planning**: the planning will be improved: the Commission will establish an annual Work Programme, which will identify priorities for European standardisation and the mandates required.
- **Representation of SMEs**: SMEs and societal stakeholders should be better represented in European standardisation, and the financial support to organisations representing SMEs and societal stakeholders will be ensured.
- **Simplification**: a reduction of the administrative burden imposed on the Commission and the ESOs, for example by the possibility of a robust simplification of lump sums, clearly disconnected from any verification of actual costs of implementation. This proposal constitutes a further shift towards a performance-based system, based on the definition of agreed indicators and objectives (outputs and outcomes).
- **Service standards**: although European standards are already widely used for transport and logistics, postal services and electronic communications networks and services, the voluntary European standards have played a less prominent role in supporting the completion of the single market for services. This proposal therefore includes service standards within its scope in order to enable the Commission to issue mandates requesting the development of European service standards and to finance a part of the cost of this development.

BUDGETARY IMPLICATIONS: the proposal relates to **the extension of an existing action.** It should be noted that the amounts set out in this legislative financial statement do not prejudice the forthcoming Commission proposal for the post-2013 multi-annual financial framework. Budgetary appropriations allocated to this action will be proposed by the Commission in the annual budgetary procedure. Consequently, this financial statement is limited to one year (**2013**). The implication on operational appropriations is estimated at **EUR 27 million in commitment appropriations**.

DELEGATED ACTS: this proposal contains provisions to empower the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.